

### **REMARKS**

The indication of the allowability of claims 2-12 is noted with appreciation. In light of the foregoing non-limiting amendments to those claims, the rejections of claims 9-11, 13 and 14 under 35 U.C.S. §112, ¶2 should be deemed overcome as should the objection to the drawings and disclosure by virtue of the foregoing changes thereto.

The rejections of claims 1 and 13 as being anticipated by JP '976 under 35 U.C.S. §102(a) and of claims 14 and 15 as being unpatentable over JP '976 in view of Kaneko et al. under 35 U.C.S. §103(a) are traversed. Reconsideration of each of these rejections is requested on grounds that they do not set forth a prime facie case of anticipation or of obviousness based upon substantial record evidence.

The Office Action asserts that the JP '976 document teaches a position estimating means, Fig. 1 and/or the English abstract of JP '976 say nothing about an estimation technique. To the contrary, JP '976 teaches only detection of the magnetic pole position via detector 8. No estimation of calculation is performed to determine the position. A signal representative of the position is directly supplied to the circuit, which then judges a failure in the position detector. That is, the detection does not provide the identical function as the estimating means claimed herein and is more than unsubstantially different from the present invention.

The detector 8 referenced in JP '976 is known as a resolver of the type described in the literature of Michigan Scientific corporation. Such devices add

extra costs, require adjustment and crate reliability issues. None of this is present with the estimating means of the present invention which eliminates the need for a detector by, for example, calculating instantaneous power and comparing that power with torque command AC motor rotational speed determined power. There is not even a hint of this approach in the JP '976 document or, for that matter, in the Kaneko et al. patent which teaches a method of estimating a field pole position of a synchronous motor but not in connection with a fault detecting means.


Accordingly, early and favorable action on this case is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #05620550302).

Respectfully submitted,

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